

DRAFT GENERAL NOISE CONTROL BYLAW

ARTICLE __

__. NOISE CONTROL

__.1. Purpose. Whereas excessive noise may be a serious hazard to the public health and welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive noise may be substantially abated; and whereas the people have a right to and should be ensured an environment free from excessive noise that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Carlisle to limit excessive noise, as more specifically provided for herein, which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

__.2 Exemptions.

__.2.1 The Department of Public Works is exempt from this Bylaw.

__.2.2 The provisions of this bylaw shall not apply to the emission of sound in the performance of emergency work, or in the performance of public safety activities.

__.3 General Use Restrictions.

__.3.1 Except as may be otherwise conditioned in a zoning or subdivision authorization applicable to a particular property or on property used for the primary purpose of commercial agriculture, the following devices shall not be operated except between the hours of 8 (eight) A.M. to 8 (eight) P.M. Monday through Friday, and from 9 (nine) A.M. to 8 (eight) P.M. on Saturdays, Sundays and Massachusetts and Federal holidays:

All electric motor and internal combustion engine devices employed in yard and garden maintenance and repair.

__.3.2 Except as may be otherwise conditioned in a zoning or subdivision authorization applicable to a particular property or on property used for the primary purpose of commercial agriculture, the following devices shall not be operated except between the hours of 7 (seven) A.M. to 5 (five) P.M. Monday through Friday, and from 9 (nine) A.M. to 5 (five) P.M. on Saturdays, Sundays and Massachusetts and Federal holidays:

All electric motor and internal combustion engine devices employed in construction or demolition, including but not limited to site preparation, assembly, erection, substantial repair, alteration, destruction or similar action, of driveways, public or private rights-of-way, structures, utilities, and similar improvements to real property.

__.4 Specific Regulations. In addition to the General Use Regulations set forth in this Article, the following regulations shall be applicable to particular sources of noise.

__.4.1 Ledge Removal

__.4.1.1 The use of impact devices (including but not limited to hoe rams, rock drills, pile drivers, and rock crushing devices) to remove ledge and subsurface rock causes construction noise of

significant intensity and duration. Notwithstanding any other provision of the Town's General Bylaws, no impact devices shall be used to remove ledge or subsurface rock without a license issued by the Building Commissioner. This provision shall not apply in cases where:

- (a) Ledge removal is specifically addressed in a zoning or subdivision authorization applicable to a particular property; or
- (b) Where all site work requiring the use of impact devices on a particular building lot is concluded within two calendar days, and the use of impact devices does not resume at any point thereafter.

___4.1.2 Requirements for review by the Building Commissioner

Any person who desires to receive a license from the Building Commissioner pursuant to this subsection shall submit a written application for such license. The application shall address each of the following:

- (a) The extent of ledge and rock removal, rock crushing and/or drilling necessary during site development (volume, characteristics and location);
- (b) The expected duration (number of days and hours per day) of the operation of Impact Devices;
- (c) A cross section of the material to be excavated;
- (d) A narrative statement of alternate methods of ledge removal at the site, including blasting, and a description of why such alternate methods have not been employed;
- (e) A Noise Control Plan documenting all proposed mitigating measures to minimize the generation of noise;
- (f) Written certification from a qualified engineer, contractor or consultant that the engines of all equipment used in ledge and rock removal have working mufflers and/or other noise control features that are equal to or better than the original manufacturer's product;
- (g) Written certification from a qualified engineer, contractor or consultant that industry best practices for noise avoidance and abatement are being utilized to the greatest extent feasible; and
- (h) A calendar of activities for all planned use of impact devices, and the trucking route and type(s) of vehicle to be used on any street for the transfer of material to be removed.

___4.1.3 Action on Application

Within thirty (30) days of receipt of a complete application under section ___4.1.2, the Building Commissioner shall issue a license authorizing the use of impact devices consistent with the application materials presented. Such license may include reasonable conditions relating to the days and hours of operation of impact devices.

Failure to file a complete application in accordance with Section ___4.1.2 shall be grounds for denial.

___4.1.4 Filing of License

A copy of the license must be on file with the Chief of Police and the Town Clerk prior to the beginning of the proposed work.

___4.2 Roosters

___4.2.1 This subsection ___4.2 shall not apply to property that is used for the primary purpose of commercial agriculture and (a) contains five or more acres or (b) contains between two and five acres where the sale of products produced from the agricultural use generates at least \$1,000 per acre annually based on gross sales dollars.

___4.2.2 No person shall own or keep a rooster which, by crowing or by any other noise that is plainly audible from an abutting or nearby residential property between the hours of 9pm and 7am, unreasonably disturbs the peace and quiet of any other person.

___4.2.3 Upon receipt of a complaint under this subsection ___4.2, the police department shall deliver to the keeper of the rooster an informational brochure, to be prepared and published by the Town of Carlisle's Agricultural Commission, discussing best practices for the keeping of roosters and outlining various methods for abating the noise impacts associated therewith. Upon delivery of such brochure, enforcement under this subsection ___4.2 shall be stayed for a period of three (3) weeks for the purpose of allowing the keeper of the rooster the opportunity to take remedial measures in response to the complaint.

At least three (3) weeks after the delivery of the brochure, the police department may renew its action on the complaint and may either take no further action or impose non-criminal dispositions under Article I, Section 1 of the General Bylaws where circumstances so warrant.

Note:

The warrant article concerning this noise bylaw should also include an amendment to revise Article I, Section 1.4.2 to insert in place of "Earth Removal, Deposit and Stockpiling" (or other preferred location) the following:

Noise Control	\$300.00
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